

Appl. No. 10/029,399
Amdt. Dated November 4, 2005

Attorney Docket No.: BAT-101
Reply to Office Action of June 23, 2005

REMARKS

PETITION FOR EXTENSION OF TIME

A petition for a two-month extension of time and corresponding small entity fee are submitted herewith.

5 CLAIM AMENDMENTS

To expedite prosecution, claims 54-145 have been canceled without prejudice. The Applicant reserves the right to the later filing of a divisional application directed to the subject matter of these canceled claims. Furthermore, to expedite prosecution, claims 2 and 28 have been rewritten in independent form. Claims 2, 28 and 147 have been amended to further recite that
10 "the N addressable optical elements are stacked in series such that light forming an image sequentially passes through all N addressable optical elements". Support for this feature can be found in the original specification, e.g., in FIG. 1 and FIGs. 2A-2C and corresponding descriptions of these drawings. Claim 146 has been amended to recite that the optical processor includes "an optical medium having one or more subsections that define one or more of the
15 randomly addressable optical elements; and means for altering the optical properties of the subsections". Support for these features can be found in the specification at page 4, lines 5-22 and original claims 2-27. In addition, claims 8, 39-145 and 146 have been amended to address informalities objected to by the Examiner.

CLAIM OBJECTIONS

20 The Examiner has objected to informalities in claims 8, 39-145 and 146. Specifically, claim 8 was objected to for lack of antecedent basis for "the two lens transformations"; claims 39-45 were objected to for lack of a period at the end of claim 39. In addition it was suggested that in claim 146 "in" should be replaced by "N" in line 3. The Applicant submits that these informalities have been addressed by the above amendments to the claims. The Applicant
25 submits that the amendments made to correct the informalities in these claims do not narrow the scope of any limitation of these claims within the meaning of the decision in *Festo*.

CLAIM REJECTIONS

35 USC 102(b) – Hinton (US 4,764,890)

Claims 1-7, 9-11, 13-14, 17-20, 28-31, 37-40, 47-48 and 147 were rejected under 35 USC 102(b)
30 as being anticipated by US Patent 4,764,890 to Hinton (hereinafter Hinton). In rejecting the

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claims it is argued that Hinton discloses an optical processor comprising an optical module 120 having a plurality of addressable optical elements and other features of the rejected claims.

The Applicant respectfully traverses the rejections. The rejection of claim 1 is rendered moot by virtue of its cancellation. As set forth above, the Applicant amended claims 2, 28 and 147 to recite that "the N addressable optical elements are stacked in series such that light forming an image sequentially passes through all N addressable optical elements". Hinton, by contrast teaches an optical logic arrangement wherein an array of non-linear optical devices 121-129 are arranged side-by side in a two-dimensional array (see Abstract and Fig. 1a of Hinton). In such an arrangement, light forming an image does not pass through all nine of Hinton's non-linear optical devices. Hinton, therefore, does not teach or suggest, and in fact teaches away from, sequentially passing light through all N stacked addressable optical elements as set forth in claims 2, 28 and 147. As such, Hinton does not teach all the features of these independent claims and a prima facie case of anticipation is not present. Dependent claims 3-7, 9-11, 13-14, 17-20, 29-31, 37-40, 47, and 48 are believed to be patentable by virtue of their dependence from claim 1 or claim 28. As such, claims 2-7, 9-11, 13-14, 17-20, 28-31, 37-40, 47-48 and 147 define an invention suitable for patent protection.

USC 102(b) – Nishimoto (GB 2171535)

Claims 1, 6, 8, 12, 14-16, and 21-27 were rejected under 35 USC 102(b) as being anticipated by United Kingdom Patent GB 2171535 to Nishimoto (hereinafter Nishimoto). In rejecting the claims it is argued that Nishimoto discloses an optical processor comprising one or more optical modules including N addressable optical elements, where $N > 2$.

The Applicant respectfully traverses the rejection. The rejection of claim 1 is rendered moot in view of its cancellation. Furthermore, claims 6, 8, 12, 14-16, and 21-27 depend directly or indirectly from claim 2, which has not been rejected as being anticipated by Nishimoto. It is believed, therefore, that Nishimoto does not anticipate claim 2, possibly because Nishimoto does not teach or suggest an optical processor including N addressable optical elements including an optical medium having one or more subsections that define one or more of the addressable optical elements; and means for altering the optical properties of the subsections" as set forth in claim 2. As such, claims 6, 8, 12, 14-16, and 21-27 are believed to be patentable over Nishimoto by virtue of their dependence from claim 2.

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USC 102(e) – Popovich (US 6,356,366)

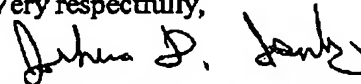
Claims 1, 32-36, 41-46, 49-53, and 146 were rejected under 35 USC 102(e) as being anticipated by US Patent 6,356,366 to Popovich (hereinafter Popovich). In rejecting the claims it is argued that Popovich discloses an optical processor comprising an optical module 10, wherein the optical module includes a plurality of addressable optical elements 26, 28, 30.

The Applicant respectfully traverses the rejection. The rejection of claim 1 is rendered moot in view of its cancellation. Claim 146 has been amended to recite that the optical processor “includes an optical medium having one or more subsections that define one or more of the randomly addressable optical elements; and means for altering the optical properties of the subsections”. Claim 2, which also recites this feature, has not been rejected as being anticipated by Popovich. It is believed, therefore, that Popovich does not anticipate claims 2 or 146 because Popovich does not teach or suggest an optical processor including N addressable optical elements including an optical medium having one or more subsections that define one or more of the addressable optical elements; and means for altering the optical properties of the subsections as set forth in claim 2. Furthermore, claims 32-36, 41-46, 49-53 depend directly or indirectly from claim 2. As such, these dependent claims are believed to be patentable over Popovich by virtue of their dependence from claim 2.

CONCLUSION

The Applicant submits that, for the reasons set forth above, the restriction requirement is improper and all of the pending claims are allowable. Therefore, the Applicant respectfully requests that the Examiner enter the amendment, reconsider the application and issue a Notice of Allowance in the next Office Action.

Very respectfully,



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